

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT—CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

Appeal No. & Caption	14-2218 United States v. Edward M. Zinner
Originating No. & Caption	2:14-cv-00399-RGD USDC ED VA Norfolk; United States v. Edward Zinner; formerly CL14-3238 Circuit Court for the City of Virginia Beach and 95-CR-048-01 in USDC ED PA
District Court & Judge	E.D.Va. Norfolk/Judge Doumar

Jurisdiction (answer any that apply)		
Date of entry of order/judgment appealed from	20 October 2014	
Date this notice of appeal filed	11/07/14	
If cross appeal, date first notice of appeal filed	n/a	
Date of filing any post-judgment motion	n/a	
Date order entered disposing of any post-judgment motion	n/a	
Date of filing any motion to extend appeal period	n/a	
Time for filing appeal extended to	n/a	
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached. CJA counsel must attach copy of the CJA 24 with the transcript order.).

Trial Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Plea Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Sentence Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Other Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed

Case Handling Requirements (answer any that apply)

Case number of any prior appeal in same case	n/a		
Case number of any pending appeal in same case	n/a		
Identification of any case pending in this Court or Supreme Court raising similar issue	n/a		
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.		
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
	If yes, motion to expedite must be filed.		

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

When a government agent such as the Department of Justice, through one of it's officials, such as the U.S. Attorney for E.D.VA, files a notice of lien in a Virginia circuit court encumbering property to enforce a restitution order, it may not hide behind sovereign immunity to avoid producing its own records showing more was received than was due. The Notice of Lien should be withdrawn and a refund of the excess payments ordered. The district court has authority to order the records of overpayment, withdrawal of the notice, and the refund.

Appellant's Name & Address	Counsel's Name & Address
Name: Edward M. Zinner Address: 295 Bendix Road #320 Virginia Beach VA 23452 E-Mail: xxx Phone: 757 839 4451	Name: Marvin D. Miller Address: 1203 Duke Street Alexandria VA 22314 E-Mail: ofc@mdmillerlaw.com Phone: 703 548 5000

Signature: /s/ Marvin D. Miller Date: 20 November 2014

Counsel for: Defendant/Appellant

Certificate of Service: I certify that on 20 November 2014 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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Signature: /s/ Marvin D. Miller

Date: 20 November 2014